

8928. Adulteration and misbranding of whole ground feed barley. U. S. * * * v. 600 Sacks of Alleged Whole Ground Feed Barley. Consent decree providing for release of goods on bond. (F. & D. No. 13981. I. S. No. 3438-t. S. No. C-2601.)

On December 1, 1920, the United States attorney for the District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 600 sacks of alleged whole ground feed barley, at Griffith, Ind., alleging that the article had been shipped by the Osceola Mill & Elevator Co., Minneapolis, Minn., on or about November 17, 1920, and was being transported from the State of Minnesota into the State of West Virginia, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Whole Ground Feed Barley * * * Not to exceed Country Run Screenings Manufactured by Osceola Mill and Elevator Co., Minneapolis, Minn., U. S. A."

Adulteration of the article was alleged in the libel for the reason that a mixture of ground barley with ground barley hulls, scourings, pearlings, chaff, and other worthless materials had been mixed and packed therewith so as to injuriously affect its quality and strength, and had been substituted in part for the article, and for the further reason that the product, which was a mixture of ground barley with ground barley hulls, scourings, pearlings, chaff, and other worthless materials, had been mixed in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the marks and brands consisting of the above quoted statements, which were stenciled upon each of the 600 sacks, with respect to the ingredients and substances contained therein, were false and fraudulent and misleading, and deceived and misled the purchaser in that the product was a mixture of ground barley, ground barley hulls, scourings, pearlings, chaff, and other worthless materials. Misbranding was alleged for the further reason that the above-quoted statements were false and fraudulent and misleading in that the product was an imitation of, and was offered for sale under the distinctive name of, another product.

Thereafter, at the November term of said District Court of the United States, the said Osceola Mill & Elevator Co., claimant, having admitted the allegations of the libel and having filed a good and sufficient bond, in conformity with section 10 of the act, and having paid the costs of the proceedings, it was ordered by the court that the product be delivered to said claimant.

E. D. BALL, *Acting Secretary of Agriculture.*

8929. Adulteration and misbranding of nonalcoholic beverages. U. S. * * * v. 2 Kegs * * * of Nonalcoholic Beverages Labeled in Part, "Nonalcoholic Artificial Flavor and Color (Blackberry Cordial) (Cherry Cordial) Flavor Sweetened with Saccharine." Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13975. I. S. Nos. 8440-t, 8441-t. S. No. E-2898.)

On November 29, 1920, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 2 kegs of nonalcoholic beverages, labeled in part "Non-alcoholic Artificial Flavor and Color Blackberry Cordial (Cherry Cordial) Flavor sweetened with saccharine * * * Red Cross Mfg. Co. St. Louis, Mo.," remaining in the original unbroken packages at Colgate, Md., alleging that the article had been shipped by the Red Cross Mfg. Co., St. Louis, Mo., and transported from the State of Missouri into the State of Maryland, and charging adulteration and misbranding in violation of the Food and Drugs Act.